

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Bart Daniel	§	
		§	Group Art Unit: 3781
Serial No.:	10/758,459	§	
		§	Examiner: MAI, Tri M
Filing Date:	January 15, 2004	§	
		§	Confirmation No.: 5873
For:	COVER FOR MODULES OF FIBROUS MATERIAL	§	

Mail Stop Amendment
Commissioner For Patents
P. O. Box 1450
Alexandria VA 22313-1450

DECLARATION UNDER 37 CFR §1.132

I, Kyle Gene Taubert, do hereby declare that:

1. I have 16 years experience in the cotton ginning industry, including 19 years experience relating to cotton modules and the use of covers for cotton modules;
2. During that period, I have served as General Manager for Oasis Gin & Warehouse, Inc., Seminole, TX from February 2000 to present, Manager for Coastal Bend CO-OP Gin, Corpus Christi, TX from April 1997 through January 2000, as Gin Superintendent for Ocho Gin, Seminole, TX, from September 1994 to April 1997, and as Research Technician for Texas Agricultural Experiment Station, Texas A&M University, College Station, TX, from January 1990 to May 1993.
3. As part of my duties at Oasis Gin, Inc., I have been involved in purchasing and using covers for use on cotton modules;
4. Education and additional qualifications:
B.S. Degree, Agricultural Engineering, Texas A&M University, 1994

Certified Ginner, National Cotton Ginners' Association, 1996

Instructor, USDA Cotton Gin School, Lubbock, TX, 1998, 1999, 2001

5. In my current capacity, I have become familiar with International Fiber Packaging (a division of Leggett & Platt) Company's Cover for Modules of Fibrous Material, as set forth in pending application 10/758,459 which is the subject of this declaration;
6. The company I work for, Oasis Gin, Inc., has been using International Fiber Packaging Company's ("IFPCO") cover for 4 years;
7. I am also familiar with a competitive cover product by Kenny Porter/L.P. Brown Co., since in the past Oasis Gin, Inc. also used the Porter/L.P. Brown Co. cover product, as set forth in Figs. 16 and 19 of U.S. Patent No. 5,904,243, for 3+ years, but has discontinued use of the Porter/L.P. Brown Co. product due to the superior performance provided by IFPCO's cover;
8. Prior to the introduction of IFPCO's cover, Oasis Gin, Inc. had been using Kenny Porter/L.P. Brown Co. covers for several years, but long sought a better cover solution for cotton modules since Kenny Porter/L.P. Brown Co covers had a tendency to come off in high wind conditions;
9. The IFPCO cover uses a single support strap at or near the center of each side wall of the cover to hold the cover in place on cotton modules, resisting wind forces;
10. The Kenny Porter/L.P. Brown Co cover is similar to the IFPCO cover, but uses multiple support straps offset from the center to hold the cover in place on cotton modules;
11. In my current position with Oasis Gin, Inc., I have been a customer of both cover products, and so I am extremely familiar with these products;
12. In my current position with Oasis Gin, Inc., I have used approximately 1,000 of Kenny Porter/L.P. Brown Co. covers over 3+ years, and I have used approximately 1,700

IFPCO covers over 4 years, so I feel fully qualified to compare these products as an industry expert who is well versed in their performance;

13. In my experience using both the IFPCO and Kenny Porter/L.P. Brown Co. covers in similar conditions over several years, the IFPCO covers are surprisingly superior at staying in place on the cotton modules, and the level of superiority is so significant that it has caused me to stop using the Kenny Porter/L.P. Brown Co. covers in favor of the covers from IFPCO;
14. By way of example, during the harvest season of 2004 and 2005 we experienced several unusually high wind events in west Texas. 40 mph sustained winds were not uncommon. Approximately 40% of my LPB covers were lost and never recovered. During the 2005 harvest, frustrated, I tried the IFPCO cover offering. None of the IFPCO covers were lost in 2005, and none have been lost since.
15. So in my extensive usage of these products under similar conditions in the field, I found that IFPCO covers are significantly superior to Kenny Porter/L.P. Brown Co. covers in resisting wind forces and staying in place on cotton modules;
16. Accordingly, I have stopped buying or using Kenny Porter/L.P. Brown Co. covers, and now exclusively use IFPCO covers;
17. In my extensive experience comparing these two products, IFPCO covers perform significantly better in real-world conditions;
18. I have spoken informally with others in my industry, and their experiences with these products are similar to my own, described above;
19. I was initially surprised to find that IFPCO covers provide superior performance, since I would have expected the additional straps of the Kenny Porter/L.P. Brown Co. cover to provide added strength, but I have been won over by the real-world results seen in the field;

20. In my expert opinion, based on extensive usage of both products in the field, IFPCO's cover is surprisingly superior to Kenny Porter/L.P. Brown Co. cover; and
21. The superior results of the IFPCO covers are primarily why I use IFPCO covers instead of Kenny Porter/L.P. Brown Co. covers, so the performance difference has led to commercial success of the IFPCO cover with Oasis Gin, Inc.

I further declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that any such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Further Declarant sayeth not.

Date: June 5, 2008

By: 

Printed Name: Kyle Gene Taubert

Title: General Manager

Company: Oasis Gin & Warehouse Co., Inc.